IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 778 of 2006 (M/B)

Vinod Kumar Jain S/o Sri Babu Lal Jain,
R/o 65 Bhogal Lane, Nizamuddin,
Police Station Bhogal, New Delhi. ……. Petitioner

Versus

1. State of Uttaranchal,
through Senior Superintendent of Police,
District Dehradun.
2. Station House Officer,
Police Station Patel Nagar,
District Dehradun.
3. Sri Nishchal Jain,
R/o Pushpanjali Enclave,
GMS Road, Dehradun. ……. Respondents.

Mr. Sandeep Tandon, Advocate for the petitioner.
Mr. H.C. Pande, Addl. Government Advocate for respondents Nos. 1 & 2.
None for respondent No. 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Sandeep Tandon, Advocate for the petitioner.

Mr. H.C. Pande, Addl. Government Advocate for respondents Nos. 1 & 2.

None for respondent No. 3.

They are heard on admission.

2. Petitioner Vinod Kumar Jain has filed this writ petition for the following reliefs:

> "I. Issue a writ, order or direction in the nature of certiorari quashing the impugned first information report (Annexure No.3) dated 21.5.2006 of case crime No. 106 of 2006, under section 420/467/468/471/506 I.P.C., police station Patel Nagar, Dehradun, District Dehradun.

II. Issue a writ, order or direction in the nature of mandamus directing the station house officer, police station Patel Nagar Dehradun, District Dehradun, not to arrest the petitioner in respect case crime No. 106 of 2006, registered under section 420/467/468/471/506 I.P.C. dated 21.5.2006.

III. Issue any other writ, order or direction which Hon'ble Court may deem fit and proper under the circumstances of the present case."

3. The petitioner is apprehending his arrest for his alleged involvement in Crime No. 106 of 2006 registered at Police Station Patel Nagar, District Dehradun for the alleged commission of the offences punishable under Sections 420, 467, 468, 471 and 506 of the I.P.C.

4. According to the First Information Report lodged by respondent No. 3 Sri Nishchal Jain, petitioner Vinod Kumar Jain and his other co-accused persons are alleged to have fabricated a forged sale deed relating to the complainant's land purporting to have been executed by Kabul Chand, Shanti Devi and Devi Sharan on 30.05.2005 though the above-named three persons had expired much before the execution of the above sale deed.

5. On due consideration of the submissions of the learned counsel for the parties and the serious nature of the allegations against the petitioner and his other co-accused persons in the First Information Report, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioner in the writ petition.

6. The writ petition, therefore, is liable to be dismissed summarily.

7. However, we deem it proper to direct that in the event of arrest of petitioner Vinod Kumar Jain by the police or his surrender before the court concerned, his bail petition shall be taken up for hearing in accordance with law without any undue delay.

8. With the above observation, the writ petition stands disposed of.

9. With the above order, CLMA No. 8193 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) 04.07.2006

(Rajeev Gupta, C.J.) 04.07.2006

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